
SECOND SUBSTITUTE HOUSE BILL 1698

State of Washington

58th Legislature

2003 Regular Session

By House Committee on Capital Budget (originally sponsored by Representatives Cooper, Anderson, Wood, Jarrett, O'Brien, Murray, Upthegrove, Pflug and Dunshee)

READ FIRST TIME 03/10/03.

1 AN ACT Relating to outdoor recreation programs; and amending RCW
2 46.09.020, 46.09.170, and 46.09.280.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.09.020 and 1986 c 206 s 1 are each amended to read
5 as follows:

6 ~~((As used in this chapter the following words and phrases have the
7 designated meanings unless a different meaning is expressly provided or
8 the context otherwise clearly indicates:))~~ The definitions in this
9 section apply throughout this chapter unless the context clearly
10 requires otherwise.

11 (1) "Person" means any individual, firm, partnership, association,
12 or corporation.

13 (2)(a) "Nonhighway vehicle" means any motorized vehicle when used
14 for recreation travel on trails and nonhighway roads or for recreation
15 cross-country travel on any one of the following or a combination
16 thereof: Land, water, snow, ice, marsh, swampland, and other natural
17 terrain. Such vehicles include but are not limited to, off-road
18 vehicles, two, three, or four-wheel vehicles, motorcycles, four-wheel

1 drive vehicles, dune buggies, amphibious vehicles, ground effects or
2 air cushion vehicles, and any other means of land transportation
3 deriving motive power from any source other than muscle or wind.

4 (b) Nonhighway vehicle does not include:

5 ~~((1))~~ (i) Any vehicle designed primarily for travel on, over, or
6 in the water;

7 ~~((2))~~ (ii) Snowmobiles or any military vehicles; or

8 ~~((3))~~ (iii) Any vehicle eligible for a motor vehicle fuel tax
9 exemption or rebate under chapter 82.36 RCW while an exemption or
10 rebate is claimed. This exemption includes but is not limited to farm,
11 construction, and logging vehicles.

12 (3) "Off-road vehicle" or "ORV" means any nonhighway vehicle when
13 used for cross-country travel on trails or on any one of the following
14 or a combination thereof: Land, water, snow, ice, marsh, swampland and
15 other natural terrain.

16 (4) "ORV use permit" means a permit issued for operation of an off-
17 road vehicle under this chapter.

18 (5) "ORV trail" means a multiple-use corridor designated and
19 maintained for recreational travel by off-road vehicles that is not
20 normally suitable for travel by conventional two-wheel drive vehicles
21 and is posted or designated by the managing authority of the property
22 that the trail traverses as permitting ORV travel.

23 (6) "ORV use area" means the entire area of a parcel of land
24 ~~((except for camping and approved buffer areas))~~ that is posted or
25 designated for ORV use in accordance with rules adopted by the managing
26 authority.

27 (7) "ORV recreation facility" includes ORV trails, ORV campgrounds,
28 and ORV use areas.

29 (8) "Owner" means the person other than the lienholder, having an
30 interest in or title to a nonhighway vehicle, and entitled to the use
31 or possession thereof.

32 (9) "Operator" means each person who operates, or is in physical
33 control of, any nonhighway vehicle.

34 (10) "Dealer" means a person, partnership, association, or
35 corporation engaged in the business of selling off-road vehicles at
36 wholesale or retail in this state.

37 (11) "Department" means the department of licensing.

1 (12) "Hunt" means any effort to kill, injure, capture, or purposely
2 disturb a wild animal or wild bird.

3 (13) "Nonhighway road" means any road owned or managed by a public
4 agency, or any private road for which the owner has granted a permanent
5 easement for public use of the road, other than a highway generally
6 capable of travel by a conventional two-wheel drive passenger
7 automobile during most of the year and in use by such vehicles and that
8 is not built or maintained with appropriations from the motor vehicle
9 fund.

10 (14) "Nonhighway road recreation facilities" means recreational
11 trails and facilities that are accessed by nonhighway roads and are
12 intended solely for nonmotorized recreational uses.

13 (15) "Highway," for the purpose of this chapter only, means the
14 entire width between the boundary lines of every way publicly
15 maintained by the state department of transportation or any county or
16 city when any part thereof is generally open to the use of the public
17 for purposes of vehicular travel as a matter of right.

18 (16) "Organized competitive event" means any competition,
19 advertised in advance through written notice to organized clubs or
20 published in local newspapers, sponsored by recognized clubs, and
21 conducted at a predetermined time and place.

22 **Sec. 2.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to read
23 as follows:

24 (1) From time to time, but at least once each year, the state
25 treasurer shall refund from the motor vehicle fund one percent of the
26 motor vehicle fuel tax revenues collected under chapter 82.36 RCW,
27 based on the tax rate in effect January 1, 1990, less proper deductions
28 for refunds and costs of collection as provided in RCW 46.68.090. The
29 treasurer shall place these funds in the general fund as follows:

30 (a) Forty percent shall be credited to the ORV and nonhighway
31 vehicle account and administered by the department of natural resources
32 solely for planning, maintenance, and management of ORV recreation
33 facilities, nonhighway roads, and nonhighway road recreation
34 facilities. The funds under this subsection shall be expended in
35 accordance with the following limitations:

36 (i) Not more than five percent may be expended for information
37 programs under this chapter;

1 (ii) Not less than (~~ten~~) thirty percent and not more than fifty
2 percent may be expended for ORV recreation facilities;

3 (iii) Not more than twenty-five percent may be expended for
4 maintenance of nonhighway roads;

5 (iv) Not more than fifty percent may be expended for nonhighway
6 road recreation facilities;

7 (v) Ten percent shall be transferred to the interagency committee
8 for outdoor recreation for grants to law enforcement agencies in those
9 counties where the department of natural resources maintains ORV
10 facilities. This amount is in addition to those distributions made by
11 the interagency committee for outdoor recreation under (d)(i) of this
12 subsection;

13 (b) Three and one-half percent shall be credited to the ORV and
14 nonhighway vehicle account and administered by the department of fish
15 and wildlife solely for the acquisition, planning, development,
16 maintenance, and management of nonhighway roads and recreation
17 facilities;

18 (c) (~~Two~~) Four percent shall be credited to the ORV and
19 nonhighway vehicle account and administered by the parks and recreation
20 commission solely for the maintenance and management of ORV use areas
21 and facilities and nonhighway road recreation projects including but
22 not limited to campgrounds, trails, restrooms, interpretive facilities,
23 and signage; and

24 (d) (~~Fifty-four~~) Fifty-two and one-half percent, together with
25 the funds received by the interagency committee for outdoor recreation
26 under RCW 46.09.110, shall be credited to the nonhighway and off-road
27 vehicle activities program account to be administered by the committee
28 for planning, acquisition, development, maintenance, and management of
29 ORV recreation facilities and nonhighway road recreation facilities;
30 ((ORV)) user education and information; and ((ORV)) law enforcement
31 programs. The funds under this subsection shall be expended in
32 accordance with the following limitations:

33 (i) (~~Not more than twenty~~) Fifty percent ((~~may~~)) must be expended
34 on facilities consistent with the results of the fuel use study
35 required in subsection (3) of this section for nonhighway road
36 recreation projects or nonhighway and ORV education, information, and
37 law enforcement programs under this chapter. For the purposes of this

1 subsection, nonhighway road recreation projects include, but are not
2 limited to, campgrounds, trails, restrooms, interpretive facilities,
3 signage, and building maintenance;

4 (ii) Of the amount not expended in (d)(i) of this subsection not
5 less than an amount equal to the funds received by the interagency
6 committee for outdoor recreation under RCW 46.09.110 and not more than
7 sixty percent may be expended for ORV recreation facilities;

8 (iii) Of the amount not expended in (d)(i) of this subsection not
9 more than ((twenty)) sixty percent may be expended for nonhighway road
10 recreation facilities.

11 (2) On a yearly basis an agency may not, except as provided in RCW
12 46.09.110, expend more than ten percent of the funds it receives under
13 this chapter for general administration expenses incurred in carrying
14 out this chapter.

15 (3) Beginning July 1, 2007, and updated every six years thereafter
16 in conjunction with updating the plan required in RCW 46.09.250, the
17 interagency committee for outdoor recreation shall contract with an
18 independent entity to study the source and make recommendations on the
19 distribution and use of funds provided to off-road vehicle and
20 nonhighway road recreational activities under this section. The study
21 must determine the relative portion of the motor vehicle fuel tax
22 revenues that are attributable to vehicles operating off-road or on
23 nonhighway roads for recreational purposes as provided in this section.
24 The study must include the types of vehicles and location of their use,
25 the types of recreational activities, the types of recreational
26 facilities used, and the recreational use of forest roads relative to
27 other, nonrecreational uses.

28 **Sec. 3.** RCW 46.09.280 and 1986 c 206 s 13 are each amended to read
29 as follows:

30 The interagency committee for outdoor recreation shall establish
31 ~~((a committee of nonhighway road recreationists, including~~
32 ~~representatives of organized ORV groups,)) the nonhighway and off-road
33 vehicle advisory committee to provide advice regarding the
34 administration of this chapter. The nonhighway and off-road vehicle
35 advisory committee consists of a proportional representation of persons
36 with recreational experience in areas identified in the most recent~~

1 fuel use study as required by RCW 46.09.170(3). Only representatives
2 of organized ORV groups may be voting members of the committee with
3 respect to expenditure of funds received under RCW 46.09.110.

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